

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

RONALD A. NURSE,)	
)	
Plaintiff,)	
)	
v.)	CV 117-108
)	
RHODES FINANCIAL SERVICES, INC.,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Rhodes Financial Services, Inc.’s Motion to Amend Caption and to Strike Plaintiff’s Reference to “Alias.” (Doc. no. 13.) Defendant contends Plaintiff incorrectly identified it as “Taxslayer Inc. a/k/a Taxslaver Inc.” in his complaint and seeks an amendment to the caption to reflect its correct name, “Rhodes Financial Services, Inc.” (Id.) Defendant also moves the Court to strike its purported alias “Taxslaver Inc.” from the caption. (Id.) Plaintiff filed no opposition to Defendant’s motion.

As a general rule, leave to amend under Fed. R. Civ. P. 15(a) is given freely. Foman v. Davis, 371 U.S. 178, 182 (1962); Wedemeyer v. Pneudraulics, Inc., 510 F. App’x 875, 878 (11th Cir. 2013). That said, leave to amend is not guaranteed, and a trial court may deny such leave “in the exercise of its inherent power to manage the conduct of litigation before it.” Reese v. Herbert, 527 F.3d 1253, 1263 (11th Cir. 2008). “In making this determination, a court should consider whether there has been undue delay in filing, bad faith or dilatory motives, prejudice to the opposing parties, and the futility of the amendment.” Saewitz v.

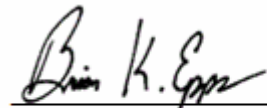
Lexington Ins. Co., 133 F. App'x 695, 699 (11th Cir. 2005) (quoting Foman, 371 U.S. at 182).

The motion is timely under the Scheduling Order deadlines, (see doc. no. 15), no opposition to the motion was filed, and there is no evidence Defendant has acted in bad faith or the amendment would be futile or subject Plaintiff to unfair prejudice. The only change proposed is to correct the name of a defendant already named in this lawsuit.

Accordingly, the Court **GRANTS** Defendant's motion to amend, (doc. no. 13), **DIRECTS** the **CLERK** to update the docket in accordance with the caption of this Order, and **ORDERS** the parties to use the amended caption for future filings.

Defendant also moves the Court to strike "Taxslaver, Inc." from the caption. (Id.) Because the Court granted Defendant's motion to amend the caption to reflect its correct name, the motion to strike is **MOOT**.

SO ORDERED this 6th day of March, 2018, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA